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## NOTICE OF ALLOWANCE AND FEE(S) DUE

24633 7590 12/02/2004

HOGAN & HARTSON LLP  
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WASHINGTON, DC 20004

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EXAMINER	
HECK, MICHAEL C	
ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 12/02/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,759	12/07/2001	Michael P. Miller	86769-0006	7327

TITLE OF INVENTION: ACCELERATED PROCESS IMPROVEMENT FRAMEWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$300	\$1670	03/02/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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24633 7590 12/02/2004

**HOGAN & HARTSON LLP**  
IP GROUP, COLUMBIA SQUARE  
555 THIRTEENTH STREET, N.W.  
WASHINGTON, DC 20004

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

### Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional	NO	\$1370	\$300	\$1670	03/02/2005

EXAMINER	ART UNIT	CLASS- SUBCLASS
HECK, MICHAEL C	3623	705-008000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. <input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	1 _____ 2 _____ 3 _____

**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:

- Issue Fee
- Publication Fee (No small entity discount permitted)
- Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- A check in the amount of the fee(s) is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

**5. Change in Entity Status (from status indicated above)**

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/005,759	12/07/2001	Michael P. Miller	86769-0006	7327
24633	7590	12/02/2004	EXAMINER	
HOGAN & HARTSON LLP IP GROUP, COLUMBIA SQUARE 555 THIRTEENTH STREET, N.W. WASHINGTON, DC 20004			HECK, MICHAEL C	
ART UNIT		PAPER NUMBER		3623
DATE MAILED: 12/02/2004				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 156 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 156 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/005,759	MILLER ET AL.
	Examiner	Art Unit
	Michael Heck	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the request for continued examination filed 30 January 2004.
2.  The allowed claim(s) is/are 51-54,57,59,60,62,63,65-70,72,73 and 76-81.
3.  The drawings filed on 07 December 2001 and 18 December 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
**TARIQ R. HAFIZ**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 3600  
 Part of Paper No./Mail Date 11

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David D. Nelson. Reg. No. 47,818 on 1 April 2004 and 17 November 2004. The application has been amended as follows:

The application has been amended as follows:

On page 5 of the specification, lines 5-6, insert after "comprises the managing" of.

The claims have been amended as follows:

Claim 51. A computerized process for accelerating improvement to a more mature software product, the method comprising:

a) a step for managing, on a computer, an organization developing said product, said step for managing an organizational comprising:  
a step for managing ~~on-a-computer~~ personnel of said organization including a step for designing a performance measurement infrastructure, a step for executing organization design and development, and a step for designing and deploying training, and

a step for implementing ~~on a computer~~ a product improvement process as needed to create steps for creating, planning, organizing, and maintaining a Software Engineering Process Group (SEPG), and steps for managing and improving the organization's processes to include controlling SEPG project work, rolling out and supporting SEPG projects, completing the SEPG project, and controlling process improvement;

b) a step for managing, on a computer, a project for development of said product; and

c) a step for managing, on a computer, delivery of said product, said computerized step for managing delivery of the product comprising:

a computerized step for analyzing the product;

a computerized step for designing the product, said designing step occurring after commencement of said analyzing step;

a computerized step for building and testing the product, said building and testing step occurring after commencement of said designing step, said building and testing step comprising includes a step for building and testing the technology infrastructure, a step for building and testing an application, and a step for planning and executing product and acceptance tests; and

a computerized step for deploying the product, said deploying step occurring after commencement of said building and testing step;

whereby the step for managing the organization, the step for managing project development[[;]], and the step for managing delivery occur concurrently, and whereby

results from the step for managing the organization are used to modify the step for managing project development and the step for managing delivery, and results from the step for managing project development and results from the step for managing delivery are used to modify the step for managing the organization.

Claim 53. The method of claim 52, wherein said step for managing a program for implementing comprises:

- a computerized-step for justifying the program;
- a computerized-step for planning execution of the program;
- a computerized-step for organizing program resources;
- a computerized step for controlling program work; and
- a computerized-step for completing the program.

Claim 55. Cancelled

Claim 56. Cancelled

Claim 57. The method of claim 51, wherein the step for managing a project includes:

- a computerized-step for planning of execution of the project;
- a computerized-step for organizing project resources;
- a computerized-step for controlling project work; and
- a computerized-step for completing the project.

Claim 59. The method of claim 51, wherein the step for analyzing the product comprises:

a computerized step for defining a business case;  
a computerized step for gathering and analyzing requirements;  
a computerized step for assessing deployment environment; and  
a computerized step for identifying and analyzing application and interface requirements.

Claim 60. The method of claim 51, wherein the step for a step for designing the product comprises:

(i) a computerized step for designing technology infrastructure, including  
a computerized step for identifying and analyzing technology infrastructure requirements,  
a computerized step for selecting and designing execution/operation hardware, and  
a computerized step for selecting and designing a development architecture; and

(ii) a computerized step for designing an application, including  
a computerized step for designing an application architecture,  
a computerized step for designing a database,  
a computerized step for planning a testing approach, and

a ~~computerized~~-step for designing a performance support approach,

whereby said steps for designing an application architecture, designing a database, planning a testing approach, and designing a performance support approach are performed in parallel.

Claim 62. The method of claim 51, wherein the step for building and testing the technology infrastructure comprises:

~~computerized~~-acquiring of physical environment assets and services;

~~computerized~~-building and testing of execution/operations architecture;

and

~~computerized~~-building and testing of development architecture.

Claim 63. The method of claim 51, wherein the step for building and testing the application comprises:

~~computerized~~-deployment planning of the application;

~~computerized~~-performing of the application;

~~computerized~~-detailed designing of the application;

~~computerized~~-building and testing of the application;

~~computerized~~-developing policies and procedures; and

~~computerized~~-developing learning products related to the application.

Art Unit: 3623

Claim 65. The method of claim 51, wherein the step for deploying the product comprises:

a computerized step for transitioning users and deploying policies and procedures;

a computerized step for deploying a physical environment;

a computerized step for deploying an application;

a computerized step for deploying a technology infrastructure; and

a computerized step for activating and testing a solution.

Claim 66. A computerized process for accelerating improvement to a more mature software product, the method comprising the steps of:

a) managing, on a computer, an organization developing said product, said managing of the organization comprising includes computerized managing personnel of said organization and computerized the implementing of a product improvement process, wherein the managing and implementing are performed in parallel,

the managing the personnel of the said organization comprising computer directed includes designing a performance measurement infrastructure, computer directed executing organization design and development after commencement of the performance measure designing, and computer directed designing and deploying training after commencement of the executing, and

the implementing of a product improvement process comprising includes parallel steps of (i) computerized creating, planning, and organizing, and

maintaining a Software Engineering Process Group (SEPG) and (ii) ~~computerized~~ managing and improving the organization's processes, wherein the managing and improving the organization's processes ~~comprising computer directed~~ includes controlling SEPG project work, ~~computer-directed~~ rolling out and supporting SEPG projects after commencement of the project work controlling, ~~computer-directed~~ completing the SEPG project after commencement of the rolling out and supporting, and ~~computer-directed~~ controlling of process improvement after commencement of the completing;

b) ~~computerized managing, on a computer,~~ a project for development of said product, wherein said project managing includes ~~computer-directed~~ planning of execution of the project, ~~computer-directed~~ organizing project resources after commencement of the execution planning, ~~computer-directed~~ controlling project work after commencement of the project resources organization, and, ~~computer-directed~~ completion of the project after commencement of the project work controlling; and

c) ~~computerized-managing, on a computer,~~ delivery of said product, the managing of product delivery comprising:

~~computer-directed~~ analyzing of the product;

~~computer-directed~~ designing of the product, said designing occurring after commencement of said analyzing;

~~computer-directed~~ building and testing of the product, said building and testing occurring after commencement of said designing, said building and testing ~~comprising computer-directed~~ includes building and testing of the technology

infrastructure, ~~computer directed~~ building and testing of an application, and ~~computer directed~~ planning and executing of product and acceptance tests; and

deploying the product, said deploying occurring after commencement of said building and testing;

whereby the managing the organization, the managing development[[;]], and the managing delivery are performed concurrently.

Claim 67. The method of claim 66 further comprising computer directed managing of a program for implementing said managing the organization, managing development of said product[[;]], and managing delivery of said product, wherein said step of managing an implementation program comprises the sequentially performed steps of:

~~Computer directed~~ justifying the program;

~~Computer directed~~ planning execution of the program after commencing said justifying;

~~Computer directed~~ organizing program resources after commencing said planning;

~~Computer directed~~ controlling program work after commencing said organization; and

~~Computer directed~~ completing the program after commencing said controlling.

Claim 68. The method of claim 66, wherein the managing delivery of the product comprises sequentially performed steps of:

computer directed analyzing the product;  
computer directed designing the product commencing after said  
analyzing[[.]];  
computer directed building and testing the product commencing  
after said designing[[.]]; and  
computer directed deploying the product commencing after said  
building and testing.

Claim 69. A program storage device readable by a machine, tangibly embodying  
a program of instructions executable by a machine to perform the method steps  
comprising:

a) a step for managing, on a computer, an organization  
developing said product, said step for managing an organizational comprising:  
a step for managing personnel of said organization  
including a step for designing a performance measurement infrastructure, a step for  
executing organization design and development, and a step for designing and  
deploying training, and  
a step for implementing a product improvement process as  
needed to create steps for creating, planning, organizing, and maintaining a  
Software Engineering Process Group (SEPG), and steps for managing and improving  
the organization's processes to include controlling SEPG project work, rolling out and  
supporting SEPG projects, completing the SEPG project, and controlling process  
improvement;

b) a step for managing, on a computer, a project for development of said product; and

c) a step for managing, on a computer, delivery of said product, said computerized step for managing delivery of the product comprising:

a step for analyzing the product;

a step for designing the product, said designing step occurring after commencement of said analyzing step;

a step for building and testing the product, said building and testing step occurring after commencement of said designing step, said building and testing step comprising includes a step for building and testing the technology infrastructure, a step for building and testing an application, and a step for planning and executing product and acceptance tests; and

a step for deploying the product, said deploying step occurring after commencement of said building and testing step[[:]].

Claim 74. Cancelled

Claim 75. Cancelled

Claim 78. The program storage device of claim 69, wherein the step for a step for designing the product comprises:

(i) a step for designing technology infrastructure, including

a step for identifying and analyzing technology infrastructure requirements,

a step for selecting and designing execution/operation hardware, and

a step for selecting and designing a development architecture; and

- (ii) a step for designing an application, including
  - a step for designing an application architecture,
  - a step for designing a database,
  - a step for planning a testing approach, and
  - a step for designing a performance support approach[.].

Claim 80. The program storage device of claim 69, wherein the step for building and testing the application comprises:

deployment planning of the application;

performing of the application[.];

detailed designing of the application;

building and testing of the application;

developing policies and procedures; and

developing learning products related to the application[.].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Director of the United States Patent and Trademark Office**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

Or faxed to:

**(703) 872-9306** [Official communications; including After Final communications labeled "**Box AF**"]

**(703) 746-9419** [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

Hand delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

mch  
17 November 2004

## REASONS FOR ALLOWANCE

1. Claims 51-54, 57, 59, 60, 62, 63, 65-70, 72, 73, and 76-81 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The present invention of claim 51 and claim 69 disclose a method and program storage device for accelerating improvement to a more mature software product. The closest prior art, McFeeley (McFeeley, IDEALsm: A User's Guide for Software Process Improvement, Software Engineering Institute, Carnegie Melon University, Pittsburgh, Pennsylvania, February 1996, [GOOGLE]) teaches a software process improvement (SPI) program model, which can be used to guide development of a long-range, integrated plan for initiating and managing software process improvement programs. The model depicts five phases that provide a continuous loop through the steps necessary for software process improvement. As to claim 51 and 69, McFeeley teaches managing an organization developing a product by managing personnel of the organization to include designing a performance measurement infrastructure. Specifically, McFeeley teaches developing measurable goals that were defined in the Initiating phase as well as defining metrics to monitor progress. McFeeley also teaches managing an organization developing a product by managing personnel of the organization to include the step for executing organization design and development. Specifically, McFeeley teaches Executive management will determine size, scope, and responsibilities of the infrastructure to support the software process improvement program to include determining the number of layers, authority, and responsibility for each component and who should be represented within the infrastructure. McFeeley also teaches managing an organization developing a product by managing personnel of

the organization to include the step for deploying training. Specifically, McFeeley teaches the Software Engineering Process Group (SEPG) will develop training plans and arrange for training. McFeeley also teaches implementing a product improvement process as needed to include steps for creating, planning, organizing, and maintaining a Software Engineering Process Group (SEPG). Specifically, McFeeley teaches the Management Steering Group (MSG) is responsible for establishing a Software Engineering Process Group (SEPG). The MSG determines SEPG member qualifications, define SEPG roles and responsibilities, define the SEPG relationship to the MSG, develop the SEPG charter, and conducts team building for the SEPG. McFeeley also teaches steps to manage and improve the organization's processes by controlling SEPG project work, rolling out and supporting SEPG projects, completing the SEPG project, and controlling process improvement. Specifically, McFeeley teaches the charter of the SEPG is to be the focal point for process improvement for the organization by keeping abreast of the improvement activities that are underway in the organization. The SEPG supports the line managers and development projects by providing process consultations when required. The MSG is responsible for linking the SPI program to the organization's vision and mission with duties to include providing guidance and corrections to the improvement activities as necessary. McFeeley also teaches managing a project for development of said product. Specifically, McFeeley teaches the Technical Working Group (TWG) to be the solution developers for the SPI program. They are formed to address a specific area in the overall improvement process. In addition, McFeeley teaches where managing the organization, project development, and delivery occur concurrently, and the results of managing the

organization is used to modify project development and delivery, and the results of project development and delivery are used to modify managing the organization. Specifically, McFeeley teaches the IDEAL model that depicts a circular process of diagnosing, establishing, acting, and leveraging where leveraging feeds back into diagnosing. However, McFeeley and the prior art of record fail to teach or suggest developing said training and managing the delivery of the product by the process steps of analyzing the product, designing the product, building and testing the product to include building and testing the technology infrastructure and an application, and planning and executing product and acceptance tests, and then deploying the product, all occurring after commencement of the prior process step.

The present invention of claim 66 discloses a method for accelerating improvement to a more mature software product. The closest prior art, McFeeley teaches a software process improvement program model, which can be used to guide development of a long-range, integrated plan for initiating and managing software process improvement programs. The model depicts five phases that provide a continuous loop through the steps necessary for software process improvement. As to claim 66, McFeeley teaches managing an organization developing a product, whereby managing of the organization comprises managing personnel of the organization and implementing a product improvement process that are performed in parallel. Also, McFeeley teaches the managing the personnel of the organization comprises designing a performance measurement infrastructure, executing organization design and development after commencement of the performance measure designing, and deploying training after commencement of the executing, and the implementing of a

product improvement process comprising parallel steps of planning and organizing a Software Engineering Process Group (SEPG) and managing and improving the organization's processes, the managing and improving the organization's processes comprising controlling SEPG project work, rolling out and supporting SEPG projects after commencement of the project work controlling, completing the SEPG project after commencement of the rolling out and supporting, and controlling of process improvement after commencement of the completing. Additionally, McFeeley teaches managing a project for development of the product wherein the project managing includes planning of execution of the project, organizing project resources after commencement of the execution planning, control project work after commencement of the project resources organization, and completion of the project after commencement of the project work controlling. In addition, McFeeley teaches where managing the organization, managing development, and managing delivery is performed concurrently. McFeeley and the prior art of record fail to teach or suggest developing said training and managing the delivery of the product by the process steps of analyzing the product, designing the product, building and testing the product to include building and testing the technology infrastructure and an application, and planning and executing product and acceptance tests, and then deploying the product, all occurring after commencement of the prior process step.

As to Claims 51, 66, and 69, the closest prior art Paulk et al. (Paulk et al., Capability Maturity Model for Software, Version 1.1, Software Engineering Institute, Carnegie Mellon University, Pittsburgh, Pennsylvania, Technical Report, February 1993, copyright 1996) discloses the establishment of the Software Engineering Process Group

(SEPG) and the controlling, implementing and supporting a of a SEPG project to include organizing project resources. Paulk et al. and the prior art fail to teach or fairly suggest developing said training and the steps for managing delivery of the product by the process steps of analyzing the product, designing the product, building and testing the product to include building and testing the technology infrastructure and an application, and planning and executing product and acceptance tests, and then deploying the product, all occurring after commencement of the prior process step.

Paulk et al. teach how to determine what maturity level an organization is, but fails to teach how to achieve the standards nor how to move form one level to another level. McFeeley teaches a model for process improvement primarily from the standpoint of how the organization is structured to coordinate the activities of the management teams during the deployment of the process improvement process, however, neither Paulk et al. nor McFeeley teach developing the training for the process improvement effort nor do they teach the process steps for developing a product within the process improvement framework.

The closest foreign application pertinent to the applicant's invention is Skoyles-Greenberg et al. (WIPO No. WO 01/25971 A1) that discloses a method for providing an operations maturity model assessment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Director of the United States Patent and Trademark Office**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

Or faxed to:

**(703) 872-9306** [Official communications; including After Final communications labeled "Box AF"]

**(703) 746-9419** [Informal/Draft communication, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

mch  
17 November 2004



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

<b>Notice of References Cited</b>		Application/Control No. 10/005,759	Applicant(s)/Patent Under Reexamination MILLER ET AL.	
		Examiner Michael Heck	Art Unit 3623	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	WO 01/25970 A1	10-1999	WIPO	Skoyles-Greenberg et al.	G06F 17/30, 17/00
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
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	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 12/17/01 and 12/18/01 are:

A.  approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
 B.  objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

<b>1. DRAWINGS.</b> 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).	<b>8. ARRANGEMENT OF VIEWS.</b> 37 CFR 1.84(i)
<input type="checkbox"/> Color drawings are not acceptable until petition is granted. Fig(s) _____	<input type="checkbox"/> Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____
<input type="checkbox"/> Pencil and non black ink not permitted. Fig(s) _____	<b>9. SCALE.</b> 37 CFR 1.84(k)
<b>2. PHOTOGRAPHS.</b> 37 CFR 1.84(b)	<input type="checkbox"/> Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____
<input type="checkbox"/> 1 full-tone set is required. Fig(s) _____	<b>10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS.</b> 37 CFR 1.84(l)
<input type="checkbox"/> Photographs may not be mounted. 37 CFR 1.84(e)	<input type="checkbox"/> Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) _____
<input type="checkbox"/> Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____	<b>11. SHADING.</b> 37 CFR 1.84(m)
<input type="checkbox"/> Poor quality (half-tone). Fig(s) _____	<input type="checkbox"/> Solid black areas pale. Fig(s) _____
<b>3. TYPE OF PAPER.</b> 37 CFR 1.84(c)	<input type="checkbox"/> Solid black shading not permitted. Fig(s) _____
<input type="checkbox"/> Paper not flexible, strong, white, and durable. Fig(s) _____	<b>12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS.</b> 37 CFR 1.84(p)
<input type="checkbox"/> Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____	<input type="checkbox"/> Numbers and reference characters not plain and legible. Fig(s) _____
<b>4. SIZE OF PAPER.</b> 37 CFR 1.84(f): Acceptable sizes:	<input type="checkbox"/> Figure legends are poor. Fig(s) _____
<input type="checkbox"/> 21.0 cm by 29.7 cm (DIN size A4) or 21.6cm by 27.9cm (8 1/2x 11 inches)	<input type="checkbox"/> Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____
<input type="checkbox"/> All drawing sheets not the same size.	<input type="checkbox"/> English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____
<input type="checkbox"/> Sheet(s) _____	<input type="checkbox"/> Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) _____
<input type="checkbox"/> Drawings sheets not an acceptable size. Fig(s) _____	<b>13. LEAD LINES.</b> 37 CFR 1.84(q)
<b>5. MARGINS.</b> 37 CFR 1.84(g): Acceptable margins: Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm	<input type="checkbox"/> Lead lines missing. Fig(s) _____
<input type="checkbox"/> Margins not acceptable. Fig(s) _____	<b>14. NUMBERING OF SHEETS OF DRAWINGS.</b> 37 CFR 1.84(t)
<input type="checkbox"/> Top (T) _____ Left (L) _____ Right (R) _____ Bottom (B) _____	<input type="checkbox"/> Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____
<b>6. VIEWS.</b> 37 CFR 1.84(h)	<b>15. NUMBERING OF VIEWS.</b> 37 CFR 1.84(u)
REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.	<input type="checkbox"/> Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____
<input type="checkbox"/> Views not labeled separately or properly. Fig(s) _____	<b>16. DESIGN DRAWINGS.</b> 37 CFR 1.152
<b>7. SECTIONAL VIEWS.</b> 37 CFR 1.84(h)(3)	<input type="checkbox"/> Surface shading shown not appropriate. Fig(s) _____
<input type="checkbox"/> Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____	<input type="checkbox"/> Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

## COMMENTS:

Reviewer Tony

If you have questions, call (703) 305-8404.

Date 4/1/04  
Attachment to Paper No. 11